

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

RUBEN RIVERA  
#45919

PLAINTIFF

V. No. 3:20CV00274-DPM-JTR, and  
No. 3:20CV00293-JM-JTR

KEITH BOWERS, Administrator,  
Craighead County Detention Center

DEFENDANT

**ORDER**

Plaintiff Ruben Rivera (“Rivera”) is a pretrial detainee in the Craighead County Detention Center (“CCDC”). On September 10, 2020, he filed a *pro se* § 1983 Complaint, along with a Motion for Leave to Proceed *In Forma Pauperis*, in *Rivera v. Bowers*, No. 3:20cv274-DPM-JTR (*Docs. 1 & 2*). On September 24, 2020, he filed a *pro se* § 1983 Complaint and a Motion for Leave to Proceed *In Forma Pauperis*, in *Rivera v. Bowers*, No. 3:20cv293-JM-JTR (*Docs. 1 & 2*).

In both Complaints, Rivera sues CCDC Administrator Keith Bowers (“Bowers”) and alleges that, due to the CCDC’s failure to require proper protective equipment and to properly quarantine, Rivera contracted COVID-19.

Rivera cannot maintain two separate cases that assert the same claims. The Court may dismiss a prisoner's § 1983 action, during § 1915A screening,<sup>1</sup> if it is duplicative of a previously filed claim. *See Gearhart v. Sarrazine*, 553 F. App'x 659, 659-60 (8th Cir. 2014) (affirming preservice dismissal of prisoner's claims that were duplicative of those in another pending action); *Aziz v. Burrows*, 976 F.2d 1158, 1158-59 (8th Cir. 1992) (affirming dismissal of "duplicative complaint raising issues directly related to issues in another pending action brought by the same party").

Accordingly, the Clerk is directed to docket Rivera's new § 1983 Complaint from No. 3:20cv293-JM-JTR (*Doc. 1*) as a "Motion to Amend Complaint" in No. 3:20cv274-DPM-JTR.

By separate Order, Rivera's Complaint in No. 3:20cv293-JM-JTR will be dismissed, without prejudice, as raising claims that are duplicative of those that are pending in No. 3:20cv274-DPM-JTR.

IT IS SO ORDERED this 6<sup>th</sup> day of October, 2020.



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UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>The Prison Litigation Reform Act requires federal courts to screen prisoner complaints seeking relief against a governmental entity, officer, or employee. 28 U.S.C. § 1915A(a).